

House File 2216 - Introduced

HOUSE FILE 2216

BY MURPHY

A BILL FOR

1 An Act modifying Iowa's human services and education systems
2 to ensure that children start school ready to learn and
3 to increase Iowa's student achievement rates, making
4 appropriations to the department of education and for
5 deposit in funds under the control of the department, and
6 including effective date and applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MANDATORY CHILD CARE REGISTRATION

1
2
3 Section 1. Section 135.173A, subsection 4, paragraph e,
4 Code Supplement 2011, is amended by striking the paragraph.

5 Sec. 2. Section 142D.2, subsection 13, Code 2011, is amended
6 to read as follows:

7 13. *“Place of employment”* means an area under the control of
8 an employer and includes all areas that an employee frequents
9 during the course of employment or volunteering, including but
10 not limited to work areas, private offices, conference and
11 meeting rooms, classrooms, auditoriums, employee lounges and
12 cafeterias, hallways, medical facilities, restrooms, elevators,
13 stairways and stairwells, and vehicles owned, leased, or
14 provided by the employer unless otherwise provided under this
15 chapter. *“Place of employment”* does not include a private
16 residence, unless the private residence is used as a child
17 care facility, ~~a child care home~~, or as a health care provider
18 location.

19 Sec. 3. Section 142D.2, subsection 16, paragraphs t and u,
20 Code 2011, are amended to read as follows:

21 t. Private residences only when used as a child care
22 facility, ~~a child care home~~, or health care provider location.

23 u. Child care facilities ~~and child care homes~~.

24 Sec. 4. Section 142D.4, subsection 1, Code 2011, is amended
25 to read as follows:

26 1. Private residences, unless used as a child care facility,
27 ~~child care home~~, or a health care provider location.

28 Sec. 5. Section 237.1, subsection 4, paragraph d, Code 2011,
29 is amended to read as follows:

30 d. Child care furnished by a child care center, or a child
31 development home, ~~or a child care home~~ as defined in section
32 237A.1.

33 Sec. 6. Section 237A.1, subsection 6, Code Supplement 2011,
34 is amended by striking the subsection.

35 Sec. 7. Section 237A.1, subsections 7 and 11, Code

1 Supplement 2011, are amended to read as follows:

2 7. "*Child development home*" means a person or program
3 registered under section 237A.3A that may provide child care to
4 ~~six~~ one or more children at any one time.

5 11. "*Involvement with child care*" means licensed or
6 registered under this chapter, employed in a child care
7 facility, residing in a child care facility, receiving public
8 funding for providing child care, or ~~providing child care as~~
9 ~~a child care home provider, or residing in a~~ with a person
10 receiving public funding for providing child care home.

11 Sec. 8. Section 237A.1, Code Supplement 2011, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 14A. "*Relative*" means an adult person who
14 is, or was at any time, one of the following relatives of a
15 child, by means of blood relationship, marriage, or adoption,
16 or is a spouse of one of the following relatives:

- 17 a. Grandparent.
- 18 b. Great-grandparent.
- 19 c. Great-great-grandparent.
- 20 d. Stepparent, but not the parent of the stepparent.
- 21 e. Sibling.
- 22 f. Stepsibling.
- 23 g. Sibling by at least the half blood.
- 24 h. Uncle or aunt by at least the half blood.
- 25 i. Great-uncle or great-aunt.
- 26 j. Great-great-uncle or great-great-aunt.
- 27 k. First cousin.
- 28 l. Nephew or niece.
- 29 m. Second cousin.

30 Sec. 9. Section 237A.3A, subsection 1, paragraph a, Code
31 2011, is amended to read as follows:

32 a. A person shall not establish or operate a child
33 development home unless the person obtains a certificate of
34 registration. However, a relative who provides child care
35 to only related children or a person providing child care to

1 only children from a single unrelated family is not required
2 to obtain a certificate of registration under this section.

3 The department shall issue a certificate of registration upon
4 receipt of a statement from the person or upon completion of
5 an inspection conducted by the department or a designee of the
6 department verifying that the person complies with applicable
7 rules adopted by the department pursuant to this section and
8 section 237A.12.

9 Sec. 10. Section 237A.3B, Code 2011, is amended to read as
10 follows:

11 **237A.3B Smoking prohibited.**

12 Smoking, as defined in section 142D.2, shall not be
13 permitted in a child care facility ~~or child care home.~~

14 Sec. 11. Section 237A.5, subsection 2, paragraph a,
15 subparagraph (1), subparagraph division (e), Code 2011, is
16 amended to read as follows:

17 (e) The person will reside or resides ~~in a child care home~~
18 ~~that~~ with a person who is not registered under this chapter but
19 that receives public funding for providing child care.

20 Sec. 12. Section 237A.5, subsection 2, paragraph b, Code
21 2011, is amended to read as follows:

22 b. If an individual person subject to a record check is
23 being considered for employment by a child care facility ~~or~~
24 ~~child care home provider,~~ in lieu of requesting a record
25 check in this state to be conducted by the department under
26 paragraph "c", the child care facility ~~or child care home~~ may
27 access the single contact repository established pursuant to
28 section 135C.33 as necessary to conduct a criminal and child
29 abuse record check of the individual in this state. A copy of
30 the results of the record check conducted through the single
31 contact repository shall also be provided to the department.
32 If the record check indicates the individual is a person
33 subject to an evaluation, the child care facility ~~or child care~~
34 ~~home~~ may request that the department perform an evaluation as
35 provided in this subsection. Otherwise, the individual shall

1 not be employed by the child care facility ~~or child care home~~.

2 Sec. 13. Section 237A.5, subsection 2, paragraph d,
3 subparagraph (2), Code 2011, is amended to read as follows:

4 (2) Except as otherwise provided by law, the cost of a
5 national criminal history check conducted in accordance with
6 subparagraph (1) and the state record checks conducted in
7 accordance with paragraph "c" that are conducted in connection
8 with a person's involvement with a child care center are not
9 the responsibility of the department. The department is
10 responsible for the cost of such checks conducted in connection
11 with a person's involvement with a child development home ~~or~~
12 ~~child care home~~.

13 Sec. 14. Section 237A.5, subsection 2, paragraph d,
14 subparagraph (4), subparagraph division (b), Code 2011, is
15 amended to read as follows:

16 (b) Except for child development home providers who
17 voluntarily license and are addressed by subparagraph division
18 (a), and child development home providers participating in
19 the child care quality rating system at a level under which
20 national records checks are required in accordance with
21 departmental rule, the national record check requirement in
22 subparagraph (1) is not applicable in connection with a child
23 development home ~~or child care home~~ throughout the period.

24 Sec. 15. Section 237A.5, subsection 2, paragraph e,
25 subparagraph (2), Code 2011, is amended to read as follows:

26 (2) Prior to performing an evaluation, the department shall
27 notify the affected person, licensee, registrant, or ~~child~~
28 ~~care home~~ person applying for or receiving public funding for
29 providing child care, that an evaluation will be conducted to
30 determine whether prohibition of the person's involvement with
31 child care is warranted.

32 Sec. 16. Section 237A.5, subsection 2, paragraph h,
33 subparagraph (2), Code 2011, is amended to read as follows:

34 (2) If, within five years prior to the date of application
35 for registration or licensure under this chapter, for

1 employment or residence in a child care facility ~~or child care~~
2 ~~home~~, or for receipt of public funding for providing child
3 care, a person subject to an evaluation has been convicted of
4 a controlled substance offense under chapter 124 or has been
5 found to have committed physical abuse, the person shall be
6 prohibited from involvement with child care for a period of
7 five years from the date of conviction or founded abuse. After
8 the five-year prohibition period, the person may submit an
9 application for registration or licensure under this chapter,
10 or to receive public funding for providing child care or may
11 request an evaluation, and the department shall perform an
12 evaluation and, based upon the criteria in paragraph "g", shall
13 determine whether prohibition of the person's involvement with
14 child care continues to be warranted.

15 Sec. 17. Section 237A.5, subsection 2, paragraph j, Code
16 2011, is amended to read as follows:

17 *j.* If it has been determined that a child receiving child
18 care from a child care facility or ~~a child care home~~ from a
19 person who receives public funding for providing child care
20 or an individual residing with that person, is the victim
21 of founded child abuse committed by an employee, license or
22 registration holder, ~~child care home provider,~~ or resident of
23 the child care facility ~~or child care home~~ for which a report
24 is placed in the central registry pursuant to section 232.71D,
25 the administrator shall provide notification at the time of
26 the determination to the parents, guardians, and custodians of
27 children receiving care from the child care facility or ~~child~~
28 ~~care home~~ person who receives public funding for providing
29 child care. A notification made under this paragraph shall
30 identify the type of abuse but shall not identify the victim or
31 perpetrator or circumstances of the founded abuse.

32 Sec. 18. Section 237A.12, subsection 1, paragraph c, Code
33 Supplement 2011, is amended to read as follows:

34 *c.* The adequacy of activity programs and food services
35 available to the children. The department shall not restrict

1 the use of or apply nutritional standards to a lunch or other
2 meal which is brought to the ~~center, child development home, or~~
3 child care ~~home~~ facility by a school-age child for the child's
4 consumption.

5 Sec. 19. Section 237A.13, subsection 2, Code 2011, is
6 amended to read as follows:

7 2. Services under the program may be provided ~~in~~ by a
8 licensed child care center, a child development home, the home
9 of a relative, the child's own home by a relative or by a
10 provider who is licensed under this chapter, a child care home,
11 or in a facility exempt from licensing ~~or registration~~ under
12 the definition of child care in section 237A.1.

13 Sec. 20. Section 237A.19, subsection 2, Code 2011, is
14 amended to read as follows:

15 2. ~~If registration is required under section 237A.3A, a~~ A
16 person who establishes, conducts, manages, or operates a child
17 development home without registering or a person who operates a
18 child development home contrary to section 237A.5, or a person
19 who has been prohibited by the department from involvement
20 with child care but continues that involvement, commits a
21 simple misdemeanor. Each day of continuing violation after
22 conviction, or notice from the department by certified mail of
23 the violation, is a separate offense. A single charge alleging
24 continuing violation may be made in lieu of filing charges for
25 each day of violation.

26 Sec. 21. Section 237A.19, subsection 3, Code 2011, is
27 amended to read as follows:

28 3. A person who ~~establishes, conducts, manages, or operates~~
29 ~~a child care home in violation of section 237A.3, subsection~~
30 ~~2, or a person or program that~~ has been prohibited by the
31 department from involvement with child care but continues
32 that involvement commits a simple misdemeanor. Each day of
33 continuing violation after conviction, or notice from the
34 department by certified mail of the violation, is a separate
35 offense. A single charge alleging continuing violation may be

1 made in lieu of filing charges for each day of violation.

2 Sec. 22. Section 237A.26, subsection 3, paragraph a, Code
3 Supplement 2011, is amended to read as follows:

4 a. Organize assistance to ~~child care homes and~~ child care
5 facilities utilizing training levels based upon the child care
6 providers' degrees of experience and interest.

7 Sec. 23. Section 237A.26, subsection 6, paragraph a, Code
8 Supplement 2011, is amended to read as follows:

9 a. Assist families in selecting quality child care. The
10 agency must provide referrals to registered and licensed child
11 care facilities, and to persons providing care, supervision,
12 and guidance of a child which is not defined as child care
13 under section 237A.1 and ~~may provide referrals to unregistered~~
14 ~~providers.~~

15 Sec. 24. Section 237A.26, subsection 8, Code Supplement
16 2011, is amended to read as follows:

17 8. For purposes of improving the quality and consistency
18 of data collection, consultation, and other support to ~~child~~
19 ~~care home and~~ child development home providers, a resource and
20 referral services agency grantee shall coordinate and assist
21 with publicly and privately funded efforts administered at
22 the community level to provide the support. The support and
23 efforts addressed by a grantee may include but are not limited
24 to community-funded ~~child care home and~~ child development home
25 consultants. Community members involved with the assistance
26 may include but are not limited to the efforts of an early
27 childhood Iowa area board under chapter 256I, and of community
28 representatives of education, health, human services, business,
29 faith, and public interests.

30 Sec. 25. REPEAL. Section 237A.3, Code 2011, is repealed.

31 DIVISION II

32 SCHOOL AID PROVISIONS

33 Sec. 26. Section 257.2, subsection 1, Code 2011, is amended
34 to read as follows:

35 1. "*Allowable growth*" means the amount by which state cost

1 per pupil and district cost per pupil will increase from one
2 budget year to the next as a result of the state percent of
3 growth or the categorical state percent of growth.

4 Sec. 27. Section 257.2, subsection 5, Code 2011, is amended
5 to read as follows:

6 5. "*Combined district cost per pupil*" is an amount
7 ~~determined by adding together the regular program district~~
8 ~~cost per pupil for a year and the special education support~~
9 ~~services district cost per pupil for that year as calculated~~
10 under section 257.10.

11 Sec. 28. Section 257.9, subsections 7 and 10, Code 2011, are
12 amended to read as follows:

13 7. *Professional development supplement state cost per pupil.*

14 a. For the budget year beginning July 1, 2009, for the
15 professional development supplement state cost per pupil, the
16 department of management shall add together the professional
17 development allocation made to each district for the fiscal
18 year beginning July 1, 2008, pursuant to section 284.13,
19 subsection 1, paragraph "d", Code 2009, and divide that sum
20 by the statewide total budget enrollment for the fiscal year
21 beginning July 1, 2009.

22 b. The professional development supplement state cost
23 per pupil for the budget year beginning July 1, 2010, and
24 succeeding budget years beginning before July 1, 2012, shall
25 be the amount calculated by the department of management under
26 this subsection for the base year plus an allowable growth
27 amount that is equal to the professional development supplement
28 categorical state percent of growth, pursuant to section
29 257.8, subsection 2, for the budget year, multiplied by the
30 amount calculated by the department of management under this
31 subsection for the base year.

32 c. The professional development supplement state cost per
33 pupil for the budget year beginning July 1, 2012, shall be
34 the amount calculated by the department of management under
35 this subsection for the base year, plus sixty dollars, plus

1 an allowable growth amount that is equal to the professional
2 development supplement categorical state percent of growth,
3 pursuant to section 257.8, subsection 2, for the budget year,
4 multiplied by the amount calculated by the department of
5 management under this subsection for the base year.

6 d. The professional development supplement state cost
7 per pupil for the budget year beginning July 1, 2013, and
8 succeeding budget years, shall be the amount calculated by
9 the department of management under this subsection for the
10 base year plus an allowable growth amount that is equal to
11 the professional development supplement categorical state
12 percent of growth, pursuant to section 257.8, subsection 2, for
13 the budget year, multiplied by the amount calculated by the
14 department of management under this subsection for the base
15 year.

16 10. *Area education agency professional development supplement*
17 *state cost per pupil.*

18 a. For the budget year beginning July 1, 2009, for the area
19 education agency professional development supplement state cost
20 per pupil, the department of management shall add together the
21 professional development allocation made to each area education
22 agency for the fiscal year beginning July 1, 2008, pursuant to
23 section 284.13, subsection 1, paragraph "d", Code 2009, and
24 divide that sum by the statewide special education support
25 services weighted enrollment for the fiscal year beginning July
26 1, 2009.

27 b. The area education agency professional development
28 supplement state cost per pupil for the budget year beginning
29 July 1, 2010, and succeeding budget years beginning before
30 July 1, 2012, shall be the amount calculated by the department
31 of management under this subsection for the base year plus
32 an allowable growth amount that is equal to the professional
33 development supplement categorical state percent of growth,
34 pursuant to section 257.8, subsection 2, for the budget year,
35 multiplied by the amount calculated by the department of

1 management under this subsection for the base year.

2 c. The area education agency professional development
3 supplement state cost per pupil for the budget year beginning
4 July 1, 2012, shall be the amount calculated by the department
5 of management under this subsection for the base year, plus
6 three dollars, plus an allowable growth amount that is equal
7 to the professional development supplement categorical state
8 percent of growth, pursuant to section 257.8, subsection 2, for
9 the budget year, multiplied by the amount calculated by the
10 department of management under this subsection for the base
11 year.

12 d. The area education agency professional development
13 supplement state cost per pupil for the budget year beginning
14 July 1, 2013, and succeeding budget years, shall be the
15 amount calculated by the department of management under this
16 subsection for the base year plus an allowable growth amount
17 that is equal to the professional development supplement
18 categorical state percent of growth, pursuant to section
19 257.8, subsection 2, for the budget year, multiplied by the
20 amount calculated by the department of management under this
21 subsection for the base year.

22 Sec. 29. Section 257.10, subsection 10, paragraph a, Code
23 2011, is amended to read as follows:

24 a. (1) For the budget year beginning July 1, 2009,
25 the department of management shall divide the professional
26 development allocation made to each district for the fiscal
27 year beginning July 1, 2008, pursuant to section 284.13,
28 subsection 1, paragraph "d", Code 2009, by the district's
29 budget enrollment in the fiscal year beginning July 1, 2009,
30 to determine the professional development supplement cost per
31 pupil.

32 (2) For the budget year beginning July 1, 2010, and
33 succeeding budget years beginning before July 1, 2012, the
34 professional development supplement district cost per pupil
35 for each school district for a budget year is the professional

1 development supplement district cost per pupil for the base
2 year plus the professional development supplement state
3 allowable growth amount for the budget year.

4 (3) For the budget year beginning July 1, 2012, the
5 professional development supplement district cost per pupil
6 for each school district for a budget year is the professional
7 development supplement district cost per pupil for the base
8 year plus the professional development supplement state
9 allowable growth amount for the budget year, plus sixty
10 dollars.

11 (4) For the budget year beginning July 1, 2013, and
12 succeeding budget years, the professional development
13 supplement district cost per pupil for each school district
14 for a budget year is the professional development supplement
15 district cost per pupil for the base year plus the professional
16 development supplement state allowable growth amount for the
17 budget year.

18 Sec. 30. Section 257.37A, subsection 2, paragraph a, Code
19 2011, is amended to read as follows:

20 a. (1) For the budget year beginning July 1, 2009, the
21 department of management shall divide the area education agency
22 professional development supplement made to each area education
23 agency for the fiscal year beginning July 1, 2008, pursuant
24 to section 284.13, subsection 1, paragraph "d", Code 2009, by
25 the special education support services weighted enrollment
26 in the fiscal year beginning July 1, 2009, to determine the
27 professional development supplement cost per pupil.

28 (2) For the budget year beginning July 1, 2010, and
29 succeeding budget years beginning before July 1, 2012, the area
30 education agency professional development supplement district
31 cost per pupil for each area education agency for a budget
32 year is the area education agency professional development
33 supplement district cost per pupil for the base year plus the
34 area education agency professional development supplement state
35 allowable growth amount for the budget year.

1 (3) For the budget year beginning July 1, 2012, the area
2 education agency professional development supplement district
3 cost per pupil for each area education agency for a budget
4 year is the area education agency professional development
5 supplement district cost per pupil for the base year plus the
6 area education agency professional development supplement
7 state allowable growth amount for the budget year, plus three
8 dollars.

9 (4) For the budget year beginning July 1, 2013, and
10 succeeding budget years, the area education agency professional
11 development supplement district cost per pupil for each area
12 education agency for a budget year is the area education agency
13 professional development supplement district cost per pupil
14 for the base year plus the area education agency professional
15 development supplement state allowable growth amount for the
16 budget year.

17 Sec. 31. Section 284.6, subsections 3 and 8, Code Supplement
18 2011, are amended to read as follows:

19 3. A school district shall incorporate a district
20 professional development plan into the district's comprehensive
21 school improvement plan submitted to the department in
22 accordance with section 256.7, subsection 21. The district
23 professional development plan shall include a description of
24 the means by which the school district will provide access
25 to all teachers in the district to professional development
26 programs or offerings that meet the requirements of subsection
27 1. The plan shall align all professional development with
28 the school district's long-range student learning goals and
29 the Iowa teaching standards. The plan shall indicate the
30 school district's approved professional development provider
31 or providers. The plan shall provide, for the fiscal year
32 beginning July 1, 2012, and each fiscal year thereafter, an
33 amount of time for professional development equivalent to the
34 amount of time the school district provided for professional
35 development for teachers for the 2011-2012 school year plus the

1 equivalent of at least three additional contract days.

2 8. a. For each year in which a school district ~~receives~~
3 and area education agency receive funds calculated and
4 paid to school districts and area education agencies for
5 professional development pursuant to section 257.10, subsection
6 10, or section 257.37A, subsection 2, the school district
7 and area education agency shall create quality professional
8 development opportunities. The goal for the use of the funds
9 is to provide one additional contract day or the equivalent
10 thereof for professional development and use of the funds is
11 limited to providing professional development to teachers,
12 including additional salaries for time beyond the normal
13 negotiated agreement; pay for substitute teachers, professional
14 development materials, speakers, and professional development
15 content; and costs associated with implementing the individual
16 professional development plans. The use of the funds shall
17 be balanced between school district, attendance center,
18 and individual professional development plans, making every
19 reasonable effort to provide equal access to all teachers.

20 b. For the fiscal year beginning July 1, 2012, and each
21 succeeding fiscal year in which a school district and area
22 education agency receive funds calculated and paid to school
23 districts and area education agencies for professional
24 development pursuant to section 257.10, subsection 10,
25 or section 257.37A, subsection 2, the school district and
26 area education agency shall provide an amount of time for
27 professional development equivalent to the amount of time
28 the school district and area education agency provided for
29 professional development for teachers for the 2011-2012 school
30 year plus the equivalent of at least three additional contract
31 days.

32 Sec. 32. STATE MANDATE FUNDING SPECIFIED. In accordance
33 with section 25B.2, subsection 3, the state cost of requiring
34 compliance with any state mandate included in this division
35 of this Act shall be paid by a school district from state

1 school foundation aid received by the school district under
2 section 257.16. This specification of the payment of the state
3 cost shall be deemed to meet all of the state funding-related
4 requirements of section 25B.2, subsection 3, and no additional
5 state funding shall be necessary for the full implementation of
6 this division of this Act by and enforcement of this division
7 of this Act against all affected school districts.

8 DIVISION III

9 GENERAL EDUCATION PROVISIONS

10 Sec. 33. Section 256C.5, subsection 1, paragraph c, Code
11 Supplement 2011, is amended to read as follows:

12 c. "*Preschool budget enrollment*" means the figure that
13 is equal to ~~fifty~~ sixty percent of the actual enrollment of
14 eligible students in the preschool programming provided by
15 a school district approved to participate in the preschool
16 program on October 1 of the base year, or the first Monday in
17 October if October 1 falls on a Saturday or Sunday.

18 Sec. 34. Section 257.31, subsection 5, unnumbered paragraph
19 1, Code Supplement 2011, is amended to read as follows:

20 If a district has unusual circumstances, creating an unusual
21 need for additional funds, including but not limited to the
22 circumstances enumerated in paragraphs "a" through "~~n~~" "o",
23 the committee may grant supplemental aid to the district from
24 any funds appropriated to the department of education for the
25 use of the school budget review committee for the purposes of
26 this subsection. The school budget review committee shall
27 review a school district's unexpended fund balance prior to
28 any decision regarding unusual finance circumstances. Such
29 aid shall be miscellaneous income and shall not be included in
30 district cost. In addition to or as an alternative to granting
31 supplemental aid the committee may establish a modified
32 allowable growth for the district by increasing its allowable
33 growth. The school budget review committee shall review a
34 school district's unspent balance prior to any decision to
35 increase modified allowable growth under this subsection.

1 Sec. 35. Section 257.31, subsection 5, Code Supplement
2 2011, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. o. Unusual need for additional funds for
4 returning dropout and dropout prevention programming pursuant
5 to section 257.41, subsection 1.

6 Sec. 36. Section 257.38, subsection 2, Code 2011, is amended
7 to read as follows:

8 2. Program plans shall identify the parts of the plan that
9 will be implemented first upon approval of the request. If
10 a district is requesting to use modified allowable growth to
11 finance the program, the school district shall not identify
12 more than ~~five~~ seven percent of its budget enrollment for the
13 budget year as returning dropouts and potential dropouts.

14 Sec. 37. Section 257.41, Code 2011, is amended to read as
15 follows:

16 **257.41 Funding for programs for returning dropouts and**
17 **dropout prevention.**

18 1. Budget. a. The budget of an approved program for
19 returning dropouts and dropout prevention for a school
20 district, after subtracting funds received from other sources
21 for that purpose, shall be funded annually on a basis of
22 one-fourth or more from the district cost of the school
23 district and up to three-fourths by an increase in allowable
24 growth as defined in section 257.8. Annually, the department
25 of management shall establish a modified allowable growth for
26 each such school district equal to the difference between the
27 approved budget for the program for returning dropouts and
28 dropout prevention for that district and the sum of the amount
29 funded from the district cost of the school district plus funds
30 received from other sources.

31 b. If the board of directors of a school district determines
32 that funding provided under paragraph "a" is insufficient to
33 meet the returning dropout and dropout prevention programming
34 needs of the school district, the board may submit a request
35 for additional modified allowable growth to the school budget

1 review committee under section 257.31, subsection 5, paragraph
2 “o”.

3 2. Appropriate uses of funding. Appropriate uses of the
4 returning dropout and dropout prevention program funding
5 include but are not limited to the following:

6 a. Salary and benefits for instructional staff,
7 instructional support staff, and school-based youth services
8 staff who are working with students who are participating
9 in dropout prevention programs, alternative programs, and
10 alternative schools if the staff person’s time is dedicated to
11 working with returning dropouts or students who are deemed,
12 at any time during the school year, to be at risk of dropping
13 out, in order to provide services beyond those services which
14 are provided by the school district to students who are not
15 identified as at risk of dropping out. However, if the staff
16 person works part-time with students who are participating in
17 returning dropout and dropout prevention programs, alternative
18 programs, and alternative schools and has another unrelated
19 staff assignment, only the portion of the staff person’s time
20 that is related to the returning dropout and dropout prevention
21 program, alternative program, or alternative school may be
22 charged to the program.

23 b. Professional development for all teachers and staff
24 working with at-risk students and programs involving dropout
25 prevention strategies.

26 c. Research-based resources, materials, software, supplies,
27 and purchased services that meet all of the following criteria:

28 (1) Meet the needs of kindergarten through grade twelve
29 students identified as at risk of dropping out and of returning
30 dropouts.

31 (2) Are beyond those provided by the regular school program.

32 (3) Are necessary to provide the services listed in the
33 school district’s dropout prevention plan.

34 (4) Will remain with the kindergarten through grade twelve
35 returning dropout and dropout prevention program.

1 d. Up to five percent of the total budgeted amount received
2 pursuant to subsection 1, paragraph "a", may be used for
3 purposes of providing district-wide or building-wide returning
4 dropout and dropout prevention programming targeted to students
5 who are not deemed at risk of dropping out.

6 Sec. 38. Section 260C.18A, subsection 2, Code Supplement
7 2011, is amended by adding the following new paragraph:

8 NEW PARAGRAPH. j. Development and implementation of
9 the national career readiness certificate and the skills
10 certification system endorsed by the national association of
11 manufacturers.

12 Sec. 39. Section 260H.2, Code Supplement 2011, is amended
13 to read as follows:

14 **260H.2 Pathways for academic career and employment program**
15 **— fund — appropriation.**

16 1. Program established. A pathways for academic career
17 and employment program is established to provide funding
18 to community colleges for the development of projects in
19 coordination with the economic development authority, the
20 department of education, Iowa workforce development, regional
21 advisory boards established pursuant to section 84A.4, and
22 community partners to implement a simplified, streamlined, and
23 comprehensive process, along with customized support services,
24 to enable eligible participants to acquire effective academic
25 and employment training to secure gainful, quality, in-state
26 employment.

27 2. Fund created. A pathways for academic career and
28 employment fund is created in the state treasury under the
29 control of the department of education consisting of moneys
30 appropriated to the department for purposes of funding the
31 cost of projects under the program established pursuant to
32 subsection 1. Notwithstanding section 8.33, moneys in the fund
33 at the end of a fiscal year shall not revert to the general
34 fund of the state but shall be used for purposes of the fund.
35 Notwithstanding section 12C.7, subsection 2, interest or

1 earnings on moneys in the fund shall be credited to the fund.

2 3. Fund appropriation. There is appropriated from the
3 general fund of the state to the pathways for academic career
4 and employment fund for the fiscal year beginning July 1, 2012,
5 and each succeeding fiscal year, the sum of three million
6 dollars for purposes of implementing the pathways for academic
7 career and employment program in accordance with this section.

8 **Sec. 40. NEW SECTION. 260I.12 Gap tuition assistance fund**
9 **— appropriation.**

10 1. A gap tuition assistance fund is created in the state
11 treasury under the control of the department of education for
12 purposes of the gap tuition assistance program established
13 in section 260I.2. Notwithstanding section 8.33, moneys in
14 the fund at the end of a fiscal year shall not revert to the
15 general fund of the state but shall be used for purposes of the
16 fund. Notwithstanding section 12C.7, subsection 2, interest or
17 earnings on moneys in the fund shall be credited to the fund.

18 2. There is appropriated from the general fund of the
19 state to the gap tuition assistance fund for the fiscal year
20 beginning July 1, 2012, and each succeeding fiscal year, the
21 sum of two million dollars for the purposes of implementing the
22 gap tuition assistance program pursuant to this chapter.

23 **Sec. 41. Section 272.9A, subsections 1 and 3, Code 2011, are**
24 **amended to read as follows:**

25 1. ~~Beginning July 1, 2007, requirements~~ Requirements for
26 administrator licensure beyond an initial license shall include
27 completion the following:

28 a. Completion of a beginning administrator mentoring and
29 induction program and demonstration of competence on the
30 administrator standards adopted pursuant to section 284A.3.

31 b. At least five years of successful classroom experience
32 as a licensed teacher.

33 3. a. An administrator formerly employed by an accredited
34 nonpublic school or formerly employed as an administrator in
35 another state or country is exempt from the mentoring and

1 induction requirement under subsection 1 if the administrator
2 can document two years of successful administrator experience,
3 at least five years of successful classroom experience as a
4 licensed teacher, and meet or exceed the requirements contained
5 in rules adopted pursuant to this chapter for endorsement and
6 licensure. ~~However, if~~

7 b. ~~If an administrator cannot document two years of~~
8 ~~successful administrator experience~~ meet the requirements of
9 paragraph "a" when hired by a school district, the administrator
10 shall meet the requirements of subsection 1.

11 Sec. 42. Section 299.1A, Code 2011, is amended to read as
12 follows:

13 **299.1A Compulsory attendance age.**

14 A child who has reached the age of six and is under ~~sixteen~~
15 eighteen years of age by September 15 is of compulsory
16 attendance age. However, if a child enrolled in a school
17 district or accredited nonpublic school reaches the age of
18 ~~sixteen~~ eighteen on or after September 15, the child remains of
19 compulsory age until the end of the regular school calendar.

20 Sec. 43. Section 299.1B, Code 2011, is amended to read as
21 follows:

22 **299.1B Failure to attend — driver's license.**

23 A person who is of compulsory attendance age, is not exempt
24 under section 299.2, and does not attend a public school, an
25 accredited nonpublic school, competent private instruction in
26 accordance with the provisions of chapter 299A, an alternative
27 school, or adult education classes shall not receive an
28 intermediate or full driver's license until age eighteen.

29 Sec. 44. NEW SECTION. **299.14 School district dropout**
30 **prevention measures.**

31 1. The board of directors of each school district shall
32 take every opportunity to prevent students from dropping out of
33 school. Actions which a school district may take to prevent
34 students from dropping out of school include but are not
35 limited to general education interventions, alternative program

1 placement, alternative school placement, provision of support
2 and supplemental services, individual and family intervention
3 or therapy, truancy mediation, and coordination with other
4 student support services.

5 2. The board of directors of each school district shall
6 make every effort to align and maximize funding streams that
7 may be used to support students who are at risk of dropping out
8 of school.

9 Sec. 45. Section 321.213B, Code 2011, is amended to read as
10 follows:

11 **321.213B Suspension for failure to attend.**

12 1. The department shall establish procedures by rule for
13 suspending the license of a juvenile who has been issued a
14 driver's license and is not in compliance with the requirements
15 of section 299.1B or issuing the juvenile a restricted license
16 under section 321.178.

17 2. Upon receipt of proof of high school graduation from
18 a person whose intermediate or full driver's license was
19 suspended or revoked pursuant to section 299.1B, the department
20 may reinstate the person's license. Notwithstanding section
21 321.191, subsection 8, the fee for reinstatement of a license
22 pursuant to this subsection shall be twenty-five dollars.

23 Sec. 46. Section 422.11S, subsection 7, paragraph a,
24 subparagraph (2), Code Supplement 2011, is amended to read as
25 follows:

26 (2) *"Total approved tax credits"* means for the tax year
27 beginning in the 2006 calendar year, two million five hundred
28 thousand dollars, for the tax year beginning in the 2007
29 calendar year, five million dollars, and for tax years
30 beginning on or after January 1, 2008, seven million five
31 hundred thousand dollars. ~~However, for tax years beginning on~~
32 ~~or after January 1, 2012, and only if legislation is enacted~~
33 ~~by the Eighty-fourth General Assembly, 2011 session, amending~~
34 ~~section 257.8, subsections 1 and 2, to establish both the state~~
35 ~~percent of growth and the categorical state percent of growth~~

1 ~~for the budget year beginning July 1, 2012, at two percent,~~
2 ~~"total approved tax credits"~~ means eight million seven hundred
3 fifty thousand dollars, and for tax years beginning on or after
4 January 1, 2014, ten million dollars.

5 Sec. 47. STATE MANDATE FUNDING SPECIFIED. In accordance
6 with section 25B.2, subsection 3, the state cost of requiring
7 compliance with any state mandate included in this division of
8 this Act shall be paid by a school district from state school
9 foundation aid received by the school district under section
10 257.16 and moneys appropriated in this division of this Act.
11 This specification of the payment of the state cost shall be
12 deemed to meet all of the state funding-related requirements of
13 section 25B.2, subsection 3, and no additional state funding
14 shall be necessary for the full implementation of this division
15 of this Act by and enforcement of this division of this Act
16 against all affected school districts.

17 Sec. 48. EFFECTIVE UPON ENACTMENT. The section of this
18 division of this Act amending section 256C.5, subsection 1,
19 takes effect upon enactment.

20 Sec. 49. APPLICABILITY. The section of this division of
21 this Act amending section 256C.5, subsection 1, applies to
22 budget years beginning on or after July 1, 2012.

23 DIVISION IV

24 APPROPRIATIONS

25 Sec. 50. There is appropriated from the general fund of
26 the state to the department of education for the fiscal year
27 beginning July 1, 2012, and ending June 30, 2013, the following
28 amounts, or so much thereof as is necessary, to be used for the
29 purposes designated:

30 1. EARLY CHILDHOOD IOWA FUND — FAMILY SUPPORT AND PARENT
31 EDUCATION

32 For deposit in the school ready children grants account of
33 the early childhood Iowa fund created in section 256I.11:

34 \$ 22,364,434

35 The amount appropriated in this subsection shall be used for

1 family support services and parent education programs targeted
2 to families expecting a child or with newborn and infant
3 children through age five and shall be distributed using the
4 distribution formula approved by the early childhood Iowa state
5 board and shall be used by an early childhood Iowa area board
6 only for family support services and parent education programs
7 targeted to families expecting a child or with newborn and
8 infant children through age five.

9 2. AFTER SCHOOL PILOT PROGRAM

10 For implementation of after school pilot programs at the
11 10 school district attendance centers whose average composite
12 scores on the Iowa test of educational development accounted
13 for the lowest average composite scores for attendance centers
14 statewide in subject areas and at grade levels as determined
15 by the department:

16 \$ 1,000,000

17 a. The department shall work with each school district
18 that has such a low-performing attendance center to implement
19 an after school pilot program at the attendance center. The
20 amount of a grant awarded to a school district to implement
21 the pilot program at the school district's attendance center
22 in accordance with this subsection shall be not less than
23 \$100,000. Moneys appropriated pursuant to this subsection may
24 be expended for purposes that include but are not limited to
25 tutoring and supplementing instruction in basic skills, such
26 as reading, math, and science; drug and violence prevention
27 curricula and counseling; youth leadership activities;
28 volunteer and service learning opportunities, including but not
29 limited to providing health care services for pilot program
30 volunteers who until retirement were employed full-time by the
31 state or a political subdivision as police or fire fighters or
32 to provide human services programs and services to the public;
33 career and vocational awareness preparation; courses and
34 enrichment in arts and culture; computer instruction; character
35 development and civic participation; language instruction,

1 including English as a second language; mentoring; positive
2 interaction with law enforcement; supervised recreation
3 programs; and health and nutrition programs. The department
4 and each participating school district shall make every effort
5 to leverage additional funding from other public and private
6 sources to support the pilot program.

7 b. Upon completion of the pilot program, each participating
8 school district shall submit a report to the department
9 regarding the impact of the program on student academic
10 achievement. The department shall prepare a report summarizing
11 these results, and compare them to student academic achievement
12 gains in similar attendance centers in school districts that
13 did not participate in the program. The department shall
14 submit its report, including its findings and recommendations,
15 to the general assembly by July 1, 2015.

16 3. EDUCATION PROGRAM EFFECTIVENESS STUDY

17 For issuance of a contract to study the effectiveness of the
18 state's prekindergarten through grade 12 educational program
19 provided pursuant to section 256.11:

20 \$ 250,000

21 The department shall conduct a study of the effectiveness
22 of the educational program offered by school districts as
23 required pursuant to section 256.11. The department shall
24 issue a request for proposals to select a qualified provider
25 who shall track from age 18 to age 21 a random sampling of
26 students who were enrolled only in Iowa school districts until
27 high school graduation. The department shall submit a copy of
28 the provider's report, along with the department's findings and
29 recommendations, to the general assembly not later than October
30 1, 2017.

31 4. HIGH SCHOOL EQUIVALENCY DIPLOMAS — ADULT BASIC
32 EDUCATION AND LITERACY

33 For purposes of administering, providing test materials,
34 scoring of examinations, and issuance of high school
35 equivalency diplomas under chapter 259A; adult basic education

1 programs offered by community colleges; and the continued
2 implementation of the adult literacy for the workforce in Iowa
3 program administered by the department:

4 \$ 1,500,000

5 5. STATEWIDE WORK-BASED LEARNING INTERMEDIARY NETWORK FUND

6 For deposit in the statewide work-based learning
7 intermediary network fund created in section 256.40:

8 \$ 1,500,000

9 6. WORKFORCE TRAINING AND ECONOMIC DEVELOPMENT FUNDS

10 For deposit in the workforce training and economic
11 development funds created pursuant to section 260C.18A:

12 \$ 12,000,000

13 EXPLANATION

14 This bill modifies Iowa's human services and education
15 systems to ensure that children start school ready to learn and
16 to increase Iowa's student achievement rates.

17 DIVISION I. The bill requires registration of home child
18 care providers. Code section 237A.1, providing definitions,
19 is amended to define the term "relative" to mean an adult
20 person who is, or was at any time, one of a child's relatives
21 that is listed in the bill, by means of blood relationship,
22 marriage, or adoption, or is a spouse of one of the relatives
23 listed in the bill. The list of relatives includes siblings,
24 grandparents, cousins, aunts, and uncles.

25 Under current law in Code section 237A.3, a person or program
26 providing child care to five children or fewer at any one time
27 is a child care home provider and is not required to register
28 under Code section 237A.3A as a child development home. The
29 bill repeals Code section 237A.3 and revises the definition of
30 child development home to mean care provided to one or more
31 children. The bill provides an exemption to the registration
32 requirement for a relative who provides child care to only
33 related children or a person providing child care to only
34 children from a single unrelated family.

35 References to the term "child care home" are eliminated in

1 various Code provisions.

2 DIVISION II. The bill provides for an increase in the
3 amount generated by the professional development supplement
4 categorical under the school aid formula, calculated to
5 provide school districts with funding for three additional days
6 of professional development, which the bill directs school
7 districts to include in their district professional development
8 plan. The bill includes technical and conforming changes.

9 The division may include a state mandate as defined in Code
10 section 25B.3. The division requires that the state cost of
11 any state mandate included in the division be paid by a school
12 district from state school foundation aid received by the
13 school district under Code section 257.16. The specification
14 is deemed to constitute state compliance with any state mandate
15 funding-related requirements of Code section 25B.2. The
16 inclusion of this specification is intended to reinstate the
17 requirement of political subdivisions to comply with any state
18 mandates included in the division.

19 DIVISION III. The bill amends the term "preschool budget
20 enrollment", effective upon enactment, to mean 60 percent of
21 the actual enrollment of eligible students in the preschool
22 programming provided by a school district for budget years
23 beginning July 1, 2012. The general assembly reduced the
24 percentage amount from 60 percent to 50 percent in the 2011
25 legislative session for budget years beginning on or after July
26 1, 2011. The term "preschool budget enrollment" is used in
27 determining the amount of preschool foundation aid a school
28 district may receive.

29 The bill increases from five to seven the percentage of its
30 budget enrollment that the district identifies as returning
31 dropouts and potential dropouts when requesting to use modified
32 allowable growth to finance programs for returning dropouts and
33 dropout prevention. The bill also specifies the appropriate
34 uses of such funding by school districts, including salary and
35 benefits for instructional staff, instructional support staff,

1 and school-based youth services staff who are working with
2 students who are participating in dropout prevention programs,
3 alternative programs, and alternative schools if the staff
4 person's time is dedicated to working with returning dropouts
5 or students who are deemed to be at risk of dropping out, to
6 provide services beyond those provided by the school district
7 to students generally; professional development for all
8 teachers and staff working with at-risk students and programs
9 involving dropout prevention strategies; and research-based
10 resources, materials, software, supplies, and purchased
11 services that meet criteria specified in the bill.

12 The bill allows the school board to submit a request to
13 the school budget review committee for additional modified
14 allowable growth if the funds generated under Code section
15 257.41 are insufficient to meet the dropout programming needs
16 of the district. The bill also permits school districts to use
17 up to 5 percent of the total amount of the funds received that
18 are generated by a formula established in Code, for purposes of
19 providing district-wide or building-wide returning dropout and
20 dropout prevention programming targeted to students who are not
21 deemed at risk of dropping out.

22 The bill creates two funds in the state treasury under the
23 control of the department of education: (1) The pathways for
24 academic career and employment fund for projects developed
25 under the pathways for academic career and employment program
26 and provides a standing appropriation of \$3 million to the
27 fund; and (2) A gap tuition assistance fund for purposes of
28 the gap tuition assistance program, and provides a standing
29 appropriation of \$2 million to the fund.

30 The bill also allows funds in the workforce training and
31 economic development funds to be used for development and
32 implementation of the national career readiness certificate
33 and the skills certification system endorsed by the national
34 association of manufacturers.

35 The bill increases administrator licensing requirements by

1 providing that applicants for a standard license must have
2 at least five years of successful classroom experience as a
3 licensed teacher.

4 The bill requires that a school district's professional
5 development plan provide, beginning July 1, 2012, and each
6 year thereafter, three more contract days for professional
7 development than the district provided in school year
8 2011-2012.

9 The bill raises the compulsory school attendance age from 16
10 to 18. The bill requires each school district to make every
11 effort to prevent students from dropping out of school, and to
12 align and maximize funding streams that may be used to support
13 students who are at risk of dropping out of school.

14 The bill includes technical amendments to eliminate a
15 reference to the compulsory attendance age for purposes of dual
16 enrollment.

17 The department of transportation is directed to reinstate,
18 upon receipt of proof of high school graduation from a person
19 whose intermediate or full driver's license was suspended or
20 revoked because the person was truant, the person's license for
21 a fee of \$25, notwithstanding a current Code provision that
22 permits the department to charge a fee of \$20 for reinstatement
23 of a license.

24 The total approved amount of school tuition organization tax
25 credits for tax years beginning on or after January 1, 2012,
26 is currently \$8.75 million. The bill sets the amount for tax
27 years beginning on or after January 1, 2014, at \$10 million.

28 The division may include a state mandate as defined in
29 Code section 25B.3. The division requires that the state
30 cost of any state mandate included in the division be paid by
31 a school district from state school foundation aid received
32 by the school district under Code section 257.16 and moneys
33 appropriated in the division. The specification is deemed
34 to constitute state compliance with any state mandate
35 funding-related requirements of Code section 25B.2. The

1 inclusion of this specification is intended to reinstate the
2 requirement of political subdivisions to comply with any state
3 mandates included in the division.

4 DIVISION IV. The bill appropriates for the 2012-2013 fiscal
5 year \$22,364,434 to the department of education for deposit in
6 the school ready children grants account of the early childhood
7 Iowa fund. As in years past, the amount appropriated must be
8 used for family support services and parent education programs
9 targeted to families expecting a child or with newborn and
10 infant children through age five and shall be distributed using
11 the distribution formula approved by the early childhood Iowa
12 state board and shall be used by an early childhood Iowa area
13 board only for family support services and parent education
14 programs targeted to families expecting a child or with newborn
15 and infant children through age five.

16 The bill also appropriates \$1 million to the department
17 for FY 2012-2013 for implementation of after school pilot
18 programs at the 10 school district attendance centers whose
19 average composite scores on the Iowa test of educational
20 development accounted for the lowest average composite scores
21 for attendance centers statewide in subject areas and at grade
22 levels as determined by the department. Moneys appropriated
23 may be expended for the same purposes as provided under a
24 before and after school grant program established in Code
25 section 256.26, but may also be used to provide health care
26 services for pilot program volunteers who until retirement were
27 employed full-time by the state or a political subdivision as
28 police or fire fighters or to provide human services programs
29 and services to the public. The department shall prepare a
30 report summarizing the pilot program results and comparing them
31 to student academic achievement gains in similar attendance
32 centers in school districts that did not participate in the
33 program, and shall submit the report to the general assembly by
34 July 1, 2015.

35 In addition, the bill appropriates \$250,000 to the

1 department for issuance of a contract to study the
2 effectiveness of the state's prekindergarten through grade 12
3 educational program. The department shall issue a request
4 for proposals to select a qualified provider who shall
5 track from age 18 to age 21 a random sampling of students
6 who were enrolled only in Iowa school districts until high
7 school graduation. The department shall submit a copy of the
8 provider's report, along with the department's findings and
9 recommendations, to the general assembly not later than October
10 1, 2017.

11 Finally, the bill appropriates from the general fund of the
12 state to the department of education for the 2012-2013 fiscal
13 year \$1.5 million for purposes of administering, providing
14 test materials, scoring of examinations, and issuance of high
15 school equivalency diplomas under Code chapter 259A, adult
16 basic education programs offered by community colleges, and
17 the continued implementation of the adult literacy for the
18 workforce in Iowa program administered by the department;
19 \$1.5 million for deposit in the statewide work-based learning
20 intermediary network fund; and \$12 million to the workforce
21 training and economic development funds.